

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: CARMINE JOSEPH POTESIO
AKA: CARMINE J. POTESIO, CARMINE
POTESIO

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE

Movant

CASE NO: 5-12-05252-JJT

vs.

CARMINE JOSEPH POTESIO
AKA: CARMINE J. POTESIO, CARMINE
POTESIO

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

COMES NOW, on October 19, 2016, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 1307(c), due to material default by the debtor(s) with respect to the terms of the plan.

Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Respectfully submitted,

s/ Charles J. DeHart, III
Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

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Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-12-05252-JJT

NOTICE

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion. Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

CONFERENCE before Trustee:

November 15, 2016 at 9:00 am
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

HEARING:

November 15, 2016 at 09:35 AM
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the conference or dismissal hearing unless one of the following takes place on or before: **11/08/2016**.

1. You have paid the following and have confirmed payment with Trustee DeHart's office.

AMOUNT DELINQUENT AS OF LAST MONTH: \$ 40,188.68

TOTAL AMOUNT DUE BEFORE CONFERENCE/HEARING DATE: \$40,188.68

NOTE:

ALL payments must be made by CERTIFIED CHECK, MONEY ORDER or through TFSBILLPAY.COM. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED!

DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and **may result in dismissal of your case.**

If submitting payment by U.S. First Class Mail mail to:

CHARLES J. DEHART, III, PO BOX 7005, LANCASTER, PA 17604

If submitting payment using TFSBILLPAY.COM please allow 5 business days for payment to be applied.

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the Court, or

3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

Dated: October 19, 2016

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CHAPTER 13 TRUSTEE

Movant

CERTIFICATE OF SERVICE

I hereby certify that the Debtor and his/her counsel, have been served a copy of this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on October 19, 2016.

VINCENT RUBINO, ESQUIRE
712 MONROE STREET
P.O. BOX 511
STROUDSBURG, PA 18360-0511

CARMINE JOSEPH POTESIO
771 CLUBHOUSE DRIVE
EAST STROUDSBURG, PA 18302

Respectfully submitted,

s/ Liz Joyce
for Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

Dated: October 19, 2016

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CARMINE POTESIO

MOTION TO DISMISS

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.